

#12
Slang
Attorney's Docket No: cardiobeat-1
PATENT
12/18/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
George McBride, et al :
Filed: 03/27/2000 : EXAMINER: PAUL L. KIM
Title: Medical Testing System and Method : Art Unit 2857
Serial No.: 09/535,186 :

MS Amendment
Assistant Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT

This is in response to the Office action dated October 28, 2003.

REMARKS

Claims 1, and 4 through 20 are in the application. Claims 2 and 3 were previously cancelled.

Claims 1, 4, 8, 9, and 18-20 stand rejected under 35 U.S.C. 102(e) as anticipated by the Quay patent.

Claims 5-7 and 10-16 stand rejected under 35 U.S.C. 103(a) as unpatentable over Quay in view of the Kumar et al patent.

Claim 17 stands rejected under 35 U.S.C. 103(a) as unpatentable over Quay in view of Zadrozny et al.

On August 16, 2002 declarations under 37 C.F.R. 131 from each of the inventors, as well as by the undersigned attorney were filed in this application. The declarations show that Applicant's invention was conceived at least as early as July 9, 1999 which is prior to the filing date of U.S. Patent 6,602,191 to Quay; and prior to the filing date of U.S. Patent 6,540,674 to Zadrozny et al.; and prior to the filing date of U.S. Patent 6,612,984 to Kerr II. The declarations set forth facts and evidence that Applicants were diligent in attempting to reduce the invention to practice up to and through the filing date of the present application.

Since all three of the Quay reference is the primary reference and the sole basis for rejection of claims 1, 4, 8, 9, and 18-20, and the Quay reference is removed from consideration,